

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : 08-198
 :
 v. : Hon. Jose L. Linares
 :
 MERLINHG ALCANTARA : O R D E R

This matter having come before the Court by letter of defendant Merlinhg Alcantara for modification of his sentence; and the Court having considered the letter, the records of proceedings in this matter, and the response of the United States (Erez Liebermann, Assistant U.S. Attorney, appearing); and for good cause shown, and


IT APPEARING THAT in December 2008 defendant was sentenced to 60 months incarceration based on the statutory maximum, a period substantially lower than the guideline range of 121 to 161 months; and

IT APPEARING THAT there is no statutory or equitable provisions for this Court to modify defendant Alcantara's sentencing at this time; and

IT APPEARING THAT this Court could modify defendant Alcantara's sentence if he provides the Government with new information which would be grounds for a Rule 35 motion filed by the Government,

IT IS on this 20th day of Dec, 2011,

ORDERED that the petition for relief is hereby denied without prejudice for the Government to file a motion under Rule 35 should defendant provide new cooperation to the Government.



HON. JOSE L. LINARES
United States District Judge